

Notice of Allowability

Application No.

10/005,522

Examiner

Jacqueline F. Stephens

Applicant(s)

VANGOMPEL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/30/05.
2. ☒ The allowed claim(s) is/are 35-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

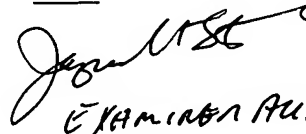
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/17/05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


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EXAMINER'S AMENDMENT

1. The application has been amended as follows:

- Claim 35 – in the last line before “about 0.25” add --greater than[”]--
- Claim 42 – delete “said side edges”
- Claim 45 – delete entire claim; replace with the following:

--“A sanitary napkin for mounting onto the bodyside of a crotch portion of an undergarment, and, during use, absorbing bodily excretions, comprising:

an elongated absorbent pad having a longitudinal axis, a longitudinally extending central portion and opposite longitudinal side edges, said edges being deflectable with respect to said central portion, and including an absorbent contained between a bodyside, liquid-permeable cover and a garment side, liquid-impermeable baffle; and

first and second opposite garment attachment panels, extending downward and inward from an underside of said absorbent pad adjacent to said side edges said garment attachment panels being anchorable under said crotch portion of said undergarment, said anchoring establishing a downward pull on said side edges and preventing said side edges from folding in toward said absorbent ; and

wherein said garment attachment panels include a fixed portion attached to the underside of said absorbent pad toward said side edge and a free portion diverging from the underside of said absorbent pad for, during use, extending

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under said crotch portion of said undergarment, wherein a garment attachment point is defined where said fixed and said free portions meet each other; and

including co-acting fastener elements, one on each of said garment attachment panels, said co-acting fastener elements which are mated to one another when the article is fastened under said crotch portion of said undergarment, said co-acting fastener elements anchoring said free portions of said garment attachment panels so as to establish a predetermined deflection of said side edges and to facilitate accurate mounting of said sanitary napkin on said undergarment, and

wherein the opposite longitudinal side edges of the elongated absorbent pad are widened laterally in at least a longitudinally central portion of their length to define a pair of first side panels, each first side panel extending laterally beyond the absorbent sufficiently that, during use, the first side panels extend beyond and depend below the side edges of the crotch portion of the undergarment.”--

- Claim 47 - delete entire claim; replace with the following:

--“The sanitary napkin of claim 48 wherein one of said co-acting fastener elements is disposed on a bodyside surface of one of said garment attachment panels and another of said co-acting fastener elements is disposed on a garment side surface of the other of said garment attachment panels.—

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- Claim 48 – delete entire claim; replace with the following:

--“A sanitary napkin for mounting onto the bodyside of a crotch portion of an undergarment, and, during use, absorbing bodily excretions, comprising:

an elongated absorbent pad having a longitudinal axis, a longitudinally extending central portion and opposite longitudinal side edges, said edges being deflectable with respect to said central portion, and including an absorbent contained between a bodyside, liquid-permeable cover and a garment side, liquid-impermeable baffle; and

first and second opposite garment attachment panels, extending downward and inward from an underside of said absorbent pad adjacent to said side edges said garment attachment panels being anchorable under said crotch portion of said undergarment, said anchoring establishing a downward pull on said side edges and preventing said side edges from folding in toward said absorbent ; and

wherein said garment attachment panels include a fixed portion attached to the underside of said absorbent pad toward said side edge and a free portion diverging from the underside of said absorbent pad for, during use, extending under said crotch portion of said undergarment, wherein a garment attachment point is defined where said fixed and said free portions meet each other; and

including co-acting fastener elements, one on each of said garment attachment panels, said co-acting fastener elements being mated to one another when the article is fastened under said crotch portion of said undergarment, said

co-acting fastener elements anchoring said free portions of said garment attachment panels so as to establish a predetermined deflection of said side edges and to facilitate accurate mounting of said sanitary napkin on said undergarment, and

wherein said co-acting fastener elements being configured, on one of said garment attachment panels, in a first width, and on the other of said garment attachment panels in a second width, wherein said second width is greater than said first width. "--

2. The following is an examiner's statement of reasons for allowance:

Allowed claims 35-48 are allowed over the closes prior art of record, Osborn et al. USPN 5346486 and Mattingly USPN 4608047.

As to claim 45, the overall claimed combination of an elongated absorbent pad as claimed and having the claimed garment attachment panels extending under the crotch portion of the undergarment and including the claimed co-acting fastener elements which are mated to one another when the article is fastened under the crotch portion of the undergarment and including laterally widened opposite longitudinal side edges, widened laterally in at least a longitudinally central portion of their length to define a pair of first side panels, each first side panel extending laterally beyond the absorbent sufficiently that, during use, the first side panels extend beyond and depend below the side edges of the crotch portion of the undergarment is neither anticipated nor rendered obvious by the closest prior art of record USPN 5346486 and USPN 4608047.

As to claim 48, the overall claimed combination of an elongated absorbent pad as claimed and having the claimed garment attachment panels extending under the crotch portion of the undergarment and including the claimed co-acting fastener elements which are mated to one another when the article is fastened under the crotch portion of the undergarment and being configured, on one of the garment attachment panels, in a first width, and on the other of the garment attachment panels in a second width, wherein the second width is greater than said first width is neither anticipated nor rendered obvious by the closest prior art of record USPN 5346486 and USPN 4608047.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline F. Stephens whose telephone number is (571) 272-4937. The examiner can normally be reached on Monday-Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jacqueline F Stephens
Examiner
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December 12, 2005

